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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,104	10/17/2003	Stefan Westermacher	PO-7932/LeA 36,381	9248

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EXAMINER
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LARKIN, DANIEL SEAN

ART UNIT	PAPER NUMBER
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2856

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

10/688,104

**Applicant(s)**

WESTERNACHER ET AL.

**Examiner**

Daniel S. Larkin

**Art Unit**

2856

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/17/03; 02/11/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicants' election without traverse of Group I, claims 1-9, in the reply filed on 26 January 2005 is acknowledged.
2. Claim 10 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 26 January 2005.

### ***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicants' cooperation is requested in correcting any errors of which applicants may become aware in the specification.

***Claim Objections***

5. Claims 1-9 are objected to because of the following informalities:

Re claim 1, claim line 2: The article -- a -- should be inserted prior to the term "leakage".

Re claim 6, claim line 2: The article -- a -- should be inserted prior to the term "leakage".

Re claim 8, claim line 1: The article -- An -- should be corrected to read -- A --.

Re claim 8, claim line 2: The article -- a -- should be inserted prior to the term "leakage". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 1, 6, and 8: These claims are deemed to be indefinite because the process of making the polycarbonate or polycarbonate articles is lacking in recitation. The production of polycarbonate is viewed as intended use because the only step claimed is "equipment having a specific leakage rate". No other method steps are provided, and polycarbonate does not appear in the body of the claim, so the claim

cannot be limited solely to the production of polycarbonate. Additionally, the claims fail to recite the necessary steps for making the polycarbonate or polycarbonate articles.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 976,773 (Uenishi et al.).

With respect to the limitations of claim 1, the reference to Uenishi et al. discloses a process for producing a polycarbonate resin, whereby equipment is utilized having a leakage rate of detected helium which is less than  $3 \times 10^{-5}$  atm · cc/sec, col. 15, paragraph [0068], lines 8-12 through col. 15, paragraph [0069], lines 1-3.

With respect to the limitation of claim 2, the reference discloses that a polycarbonate is produced.

With respect to the limitation of claim 3, the reference discloses, col. 1, paragraph [0002], lines 1 and 2, that aromatic polycarbonate resin is widely used as a molding material.

With respect to the limitation of claim 5, the reference discloses, 5, lines 46-49, that a polycarbonate produced is used as a base material for an optical recording material.

With respect to the limitations of claims 6 and 7, the reference to Uenishi et al. discloses a process for producing a polycarbonate resin, whereby equipment is utilized having a leakage rate of detected helium which is less than  $3 \times 10^{-5}$  atm · cc/sec, col. 15, paragraph [0068], lines 8-12 through col. 15, paragraph [0069], lines 1-3. Additionally, the reference discloses, col. 1, paragraph [0002], lines 1 and 2, that aromatic polycarbonate resin is widely used as a molding material.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 4, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 976,773 (Uenishi et al.) in view of US 4,617,368 (Freitag et al.)

With respect to the limitations of claim 4, the reference to Uenishi et al. discloses all of the limitations of the base claim and any intervening claims; however, the reference to Uenishi et al. fails to disclose creating an extrudate comprising polycarbonate. The reference to Freitag et al. discloses a process for producing an aromatic polycarbonate, whereby the reference discloses that the polycarbonate may be processed by conventional processes in extruders to form semi-finished products. Providing means to extrude the polycarbonate would have been obvious to one of

ordinary skill in the art as a means of providing flexibility to the production process by allowing greater flexibility in the amount of articles that can be manufactured.

With respect to the limitations of claims 8 and 9, the reference to Uenishi et al. discloses a process for producing a polycarbonate resin, whereby equipment is utilized having a leakage rate of detected helium which is less than  $3 \times 10^{-5}$  atm · cc/sec, col. 15, paragraph [0068], lines 8-12 through col. 15, paragraph [0069], lines 1-3. The reference to Uenishi et al. fails to disclose creating an extrudate comprising polycarbonate. The reference to Freitag et al. discloses a process for producing an aromatic polycarbonate, whereby the reference discloses that the polycarbonate may be processed by conventional processes in extruders to form semi-finished products. Providing means to extrude the polycarbonate would have been obvious to one of ordinary skill in the art as a means of providing flexibility to the production process by allowing greater flexibility in the amount of articles that can be manufactured.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art to US 5,317,900 (Bergquist) discloses a helium leak detector having a desired total in-leakage rate for helium is  $7.6 \times 10^{-11}$  torr liter/sec.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Larkin whose telephone number is 571-272-2198. The examiner can normally be reached on 8:00 AM - 5:00 PM Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Larkin  
AU 2856  
18 February 2005



**DANIEL S. LARKIN**  
**PRIMARY EXAMINER**